

**NINETY-NINTH LEGISLATIVE DAY
MONDAY, APRIL 14, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Brandford(Larsen), Eberle, Mitchell, Ridinger. Total -- 4.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Kristina Uhlenkott, Page.

Approval of Journal

April 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninety-fifth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Dr. Robert J. Ring, State Representative, District 10, House Seat A, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Dr. Richard T. Roberge, of Caldwell, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Dr. Richard T. Roberge, Acting State Representative, District 10, House Seat A, State of Idaho, for a term commencing on Monday, April 14, 2003, and continuing until the session ends.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 8th day of April in the year of our Lord two thousand and three, and of the Independence of the United States of America, the two hundred and twenty-seventh year.

/s/ DIRK A. KEMPTHORNE
Governor
/s/ BEN YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Dr. Roberge.

April 10, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1051**, as amended in the House, **S 1084**, as amended in the House, and **S 1170** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1051**, as amended in the House, **S 1084**, as amended in the House, and **S 1170** and, when so signed, ordered them returned to the Senate.

April 11, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1073**, as amended in the House, for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1073**, as amended in the House, and, when so signed, ordered it returned to the Senate.

April 10, 2003

Mr. Speaker:

I transmit herewith **S 1148**, as amended, and **S 1180** which have passed the Senate.

WOOD, Secretary

S 1148, as amended, and **S 1180** were filed for first reading.

April 10, 2003

Mr. Speaker:

I return herewith **H 391** and **H 392** which have passed the Senate.

WOOD, Secretary

H 391 and **H 392** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

April 11, 2003

Mr. Speaker:

I return herewith **H 386**, as amended, **H 294**, and **H 395** which have passed the Senate.

WOOD, Secretary

H 386, as amended, **H 294**, and **H 395** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

April 10, 2003

Mr. Speaker:

I return herewith **H 374**, as amended in the Senate, which has passed the Senate.

WOOD, Secretary

H 374, as amended in the Senate, was ordered held at the Desk.

Mrs. Miller asked unanimous consent that the House concur in the Senate amendments to **H 374**, as amended in the Senate. Mr. Smylie objected.

Mrs. Miller moved that the House concur in the Senate amendments to **H 374**, as amended in the Senate. Seconded by Mr. Edmunson.

The question being "Shall the motion pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bedke, Bell, Black, Block, Bolz, Cannon, Clark, Cuddy, Deal, Douglas, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Jaquet, Jones, Kellogg, Langhorst, Martinez, Meyer, Miller, Naccarato, Nielsen, Ringo, Robison, Sayler, Shepherd, Skippen, Smith(30), Snodgrass, Stevenson, Tilman, Wills, Mr. Speaker. Total -- 38.

NAYS -- Barraclough, Barrett, Boe, Campbell, Collins, Crow, Denney, Ellsworth, Harwood, Henbest, Kulczyk, Lake, Langford, McGeachin, McKague, Moyle, Raybould, Ring(Roberge), Roberts, Rydalch, Sali, Schaefer, Shirley, Smith(24), Smylie, Trail(Young), Wood. Total -- 27.

Absent and excused -- Bieter, Bradford(Larsen), Eberle, Mitchell, Ridinger. Total -- 5.

Total -- 70.

Whereupon the Speaker declared the motion passed and the House concurred in the Senate amendments to **H 374**, as amended in the Senate.

H 374, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

April 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 408**.

FIELD(18), Chairman

H 408 was referred to the Revenue and Taxation Committee.

April 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 365** and **H 376**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 365** and **H 376**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 279**, **H 367**, **H 283**, as amended, **H 284**, **H 44**, **H 387**, and **H 385** to the Governor at 11:15 a.m., as of this date, April 10, 2003.

FIELD(18), Chairman

April 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 29** and **HJM 11** to the Secretary of State at 11:13 a.m., as of this date, April 10, 2003.

FIELD(18), Chairman

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 409 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE GENERAL BOARDS FOR FISCAL YEAR 2004; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2004; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2004; DIRECTING THE STATE CONTROLLER TO TRANSFER FUNDS FROM THE SPECIAL REAL ESTATE FUND TO THE GENERAL FUND AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 410 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO SHARING RESOURCES.

HOUSE BILL NO. 411 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 412
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND REVISING THE EFFECTIVE DATES OF THE APPROPRIATION FOR THE INSTITUTIONS PROGRAM MADE IN SECTION 1, CHAPTER 324, LAWS OF 2002.

HOUSE BILL NO. 413
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2004; AND APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND.

HOUSE BILL NO. 414
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE IN ADDITION TO THE APPROPRIATION MADE IN SECTION 1, HOUSE BILL NO. 377, AS ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE.

HOUSE BILL NO. 415
BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO IDAHO COMMEMORATIVE SILVER COINS; AMENDING CHAPTER 12, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1223, IDAHO CODE, TO PROVIDE FOR ISSUING A SERIES OF IDAHO COMMEMORATIVE SILVER COINS COMMEMORATING IDAHO HISTORY, PEOPLE OR RESOURCES, TO AUTHORIZE THE STATE TREASURER TO PROVIDE FOR THE PRODUCTION, DISTRIBUTION AND SALE OF COINS, TO DIRECT THAT MONEYS FROM THE SALE OF COINS SHALL BE CREDITED TO THE STATE VETERANS CEMETERY MAINTENANCE FUND, TO PROVIDE FOR COLLABORATION BETWEEN THE STATE TREASURER AND A COMMITTEE OF LEGISLATORS WHEN DETERMINING THE NUMBER OF COINS TO BE ISSUED IN A SERIES, THE NUMBER OF SERIES TO BE ISSUED AND APPROVING COIN DESIGN AND TO PROVIDE THAT THE FIRST SERIES OF COINS SHALL COMMEMORATE "SUPPORT OF IDAHO'S HEROES"; AND AMENDING SECTION 65-107, IDAHO CODE, TO PROVIDE THAT REVENUES FROM THE SALE OF STATE COMMEMORATIVE SILVER COINS SHALL BE DEPOSITED TO THE FUND AND TO PROVIDE FOR TRANSFER OF FUND BALANCES IN EXCESS OF THREE HUNDRED THOUSAND DOLLARS TO THE GENERAL FUND.

HOUSE BILL NO. 416

BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO THE BOARD OF MEDICINE; AMENDING SECTION 54-1806, IDAHO CODE, TO DELETE THE AUTHORITY OF THE BOARD OF MEDICINE TO HIRE ATTORNEYS AND TO PROVIDE THAT THE BOARD SHALL CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR LEGAL ASSISTANCE; AND AMENDING SECTION 54-1814, IDAHO CODE, TO REVISE GROUNDS FOR MEDICAL DISCIPLINE BY THE BOARD OF MEDICINE.

HOUSE BILL NO. 417
BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO PATERNITY; TO PROVIDE FOR A MOTION TO DISESTABLISH PATERNITY, TO PROVIDE REQUIREMENTS FOR FILING SUCH MOTION, TO PROVIDE THAT RELIEF SHALL BE GRANTED IF GENETIC TESTING CONCLUSIVELY SHOWS THAT THE ALLEGED FATHER IS NOT THE BIOLOGICAL FATHER AND CERTAIN OTHER CONDITIONS ARE MET, TO PROVIDE THAT RELIEF SHALL NOT BE DENIED BECAUSE OF CERTAIN PRIOR ACTS UNLESS THE ALLEGED FATHER ACTED WITH KNOWLEDGE THAT HE WAS NOT THE BIOLOGICAL FATHER, TO PROVIDE FOR RELIEF, TO PROVIDE THAT THE DUTY TO PAY CHILD SUPPORT WHILE A MOTION IS PENDING SHALL NOT BE SUSPENDED EXCEPT UPON GOOD CAUSE, TO PROVIDE FOR ADDITIONAL TESTING, TO PROVIDE FOR RELIEF BASED UPON A PARTY'S WILLFUL FAILURE TO SUBMIT TO TESTING, TO PROVIDE FOR THE PAYMENT OF TESTING FEES, AND TO PROVIDE FOR THE ASSESSMENT OF COSTS AND ATTORNEY'S FEES.

H 409, H 410, H 411, H 412, H 413, H 414, H 415, H 416, and **H 417** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1148, as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the Business Committee.

S 1180, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

April 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 415**.

FIELD(18), Chairman

H 415 was filed for Second Reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 415** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 415** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ring(Roberge), Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bradford(Larsen), Eberle, Field(18), Mitchell, Ridinger. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 415** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood and Mrs. Field(18) to open debate.

The question being, "Shall **H 415** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ring(Roberge), Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bradford(Larsen), Eberle, Mitchell,

Ridinger. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 415** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Mr. Denney asked unanimous consent the **H 404** be placed at the bottom of the General Orders Calendar. There being no objection, it was so ordered.

Report of the Committee of the Whole House

April 14, 2003

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 406**, **H 320**, and **H 403** and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H 406

AMENDMENT TO SECTION 2

On page 1 of the printed bill, in line 35, delete "sixty percent (60%)" and insert: "sixty-six and two-thirds percent (66 2/3%)".

HOUSE AMENDMENT TO H 320

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 9, delete "AND SUPERVISORY"; and on page 2, in line 27, delete "and supervisory".

AMENDMENT TO BILL

On page 2, following line 29, insert:
"SECTION 2. This act shall be in full force and effect on and after September 1, 2003."

CORRECTION TO TITLE

On page 1, in line 4, delete "AND SUPERVISORY", and in line 5, following "PROGRAM" insert: "; AND PROVIDING AN EFFECTIVE DATE".

HOUSE AMENDMENT TO H 403

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 37, delete "or a safe school" and in line 38, delete "facility levy".

AMENDMENTS TO SECTION 2

On page 2, in line 8, delete "or a safe" and in line 9, delete "school facility levy"; and in line 15, delete "or a safe school levy".

AMENDMENT TO THE BILL

On page 3, delete lines 36 through 53, and on page 4, delete lines 1 through 20, and renumber the subsequent section of the bill accordingly.

CORRECTION TO TITLE

On page 1, in line 13, delete "AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, "; delete lines 14, 15 and 16, and in line 17, delete "CONFIRMATION AND TO PROVIDE FOR A LEVY TO BE IMPOSED;".

We have also had under consideration **H 404**, report progress and beg leave to sit again.

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

H 406, as amended, **H 320**, as amended, and **H 403**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

H 404 was retained on General Orders.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **S 1175** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

S 1175 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barraclough to open debate.

Mr. Barraclough asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1175**. There being no objection, it was so ordered.

Mr. Denney moved that the House recess until 1:30 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:30 p.m.

RECESS

Afternoon Session

The House reconvened at 1:30 p.m., Mr. Denney in the Chair.

Roll call showed 64 members present.

Absent and excused -- Bradford(Larsen), Crow, Cuddy, Eberle, Ridinger, Mr. Speaker. Total -- 6.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

S 1175 was before the House for final consideration.

The question being, "Shall **S 1175** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Raybould, Ring(Roberge), Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills. Total -- 57.

NAYS -- Barrett, Bieter, Henbest, Kulczyk, Langhorst, Moyle, Wood. Total -- 7.

Absent and excused -- Bradford(Larsen), Crow, Cuddy, Eberle, Ridinger, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1175** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle asked unanimous consent that **S 1178** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

S 1178 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Black to open debate.

The question being, "Shall **S 1178** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins,

Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Raybould, Ring(Roberge), Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills. Total -- 57.

NAYS -- Barrett, Harwood, Kulczyk, McGeachin, McKague, Moyle, Wood. Total -- 7.

Absent and excused -- Bradford(Larsen), Crow, Cuddy, Eberle, Ridinger, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1178** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:45 a.m., Tuesday, April 15, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:05 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk